



2019 Global OECD Roundtable on Equal Access to Justice 27 – 28 March 2019, Lisbon, Portugal

Highlights

Context

Equal access to justice and legal empowerment have been recognised as intrinsic goods and fundamental components of inclusive development and growth, good governance, effective public policy and the rule of law. They are an important part of international development agendas, including the UN 2030 Sustainable Development Agenda (SDG 16.3).

Yet according to the [2019 Global Justice Report](#), more than five billion people – both in OECD and partner countries – do not have meaningful access to justice. Many of them live in extreme conditions of injustice, facing slavery, statelessness, conflicts, violence and lawlessness. This justice gap includes inefficiencies of justice institutions, exclusive legal and political frameworks, and the lack of financial means to address everyday legal problems. It also reflects on structural inequalities and disparities across the societies—the burden of injustice often fall on the most vulnerable people, including women and children. The 2019 OECD flagship report [Equal Access to Justice for Inclusive Growth: Putting People at the Centre](#) highlighted that the inability to access to justice can be both a result and a cause of disadvantage, with unmet legal needs potentially leading to social and health problems, lost productivity, and reduced access to economic opportunities, education and employment. Indeed, [the OECD White Paper on Building the Case for Access to Justice](#) provides an estimate of annual costs of legal problems ranges from 0.5%–3% of GDP in most countries.

In this context, the 5th 2019 OECD Global Roundtable on Equal Access to Justice, hosted by the Government of Portugal in Lisbon in March 2019 – under the purview of the OECD Public Governance Committee –, explored ways to ensure effective access to justice by enabling people-centred justice pathways to address legal needs of citizens and business, including vulnerable communities. It recognised that meeting SDG aspirations in access to justice requires joint and co-ordinated action by all state institutions – across different branches of power and levels of government – civil society, the private sector and communities, uniting all actors around a common vision. In particular, it showcased country-specific initiatives taken to implement commitments under the Riga Statement on “[Investing in Access to Justice for all!](#)”, which was adopted by ministers and other high-level participants from OECD member and partner countries on 6 July 2018 in Riga, Latvia.

The 5th Global Roundtable was led by Francisca Van Dunem, Minister of Justice, Portugal; Anabela Pedroso, State Secretary of Justice, Portugal; and Irène Hors, Deputy Director, Public Governance, OECD. The first

day of the 2019 Roundtable featured the high-level session “From measurement to impact in achieving justice for all”, which brought together ministerial senior representatives from OECD member and partner countries¹ and international organisations (e.g. European Union, United Nations, CEPEJ and IDLO). It showcased country progress, results and commitments at the national and local levels towards providing justice for all. The session also explored key challenges, trends and opportunities in creating people-centred justice pathways and discussed necessary institutional, policy and regulatory reforms in re-orienting justice delivery models. The high-level participants presented a number of commitments and country practices to make equal access to justice a reality for all (Box 1).

Box 1. Highlights of the High-Level Panel from measurement to impact in achieving justice for all

Building on the 2018 Riga Statement “Investing in Access to Justice for all!”, the high-level participants in the 2019 Global OECD Roundtable on Equal Access to Justice reaffirmed the need to continue efforts towards making access to justice a reality for all. The high-level exchanges of ideas and practices inspired the vision for re-orienting the model of delivering justice services towards people-centred justice pathways and a holistic ecosystem. It encompasses several justice commitments and highlights needs to develop tools, frameworks and guidance consolidating good practices.

First, countries called to **close the justice gap** and ensure no one is left behind in accessing justice. This commitment requires an **inclusive vision** of the people-centred justice ecosystem that fosters common action across different public institutions. It should be supported by **comprehensive and inclusive strategies and initiatives** oriented towards meeting people’s needs. In line with the Riga Statement, at the very heart, countries recognised the importance of improving the situation of vulnerable and marginalised groups who are much more exposed to the adverse consequences of legal problems.

Second, **greater integration and cooperation** are needed within and outside of the justice sector, including creating **new partnerships** and bringing together people and organisations around a common purpose and objective. It calls for stronger coordination among different justice service providers and making links with other sectors (e.g. health, social services, education, employment, migration, housing) to facilitate inter-sectoral action, including for anticipation, prevention, early detection and timely responses to legal problems.

Next, countries underlined the importance of strengthening the business case for accessible and responsive justice and further exploring innovations in **investing in access to justice, including by optimising** existing resources centred on affordable solutions. It requires an understanding of the relative costs of different strategies to achieving the desired outcome for specific groups of the population or specific issues, in order to facilitate the prioritisation of specific justice services and allocation of constraint finances.

Moreover, countries called to invest in better and more **people-centred justice data and evidence**, including in the capacity of justice policies/institutions to provide people-centred services. It is a basis to progress, especially from the people-centred perspective, and to understand people’s experience with the justice sector. This evidence-based approach can drive strategies and implementation, including to anticipate and prevent legal problems and develop tailored, timely and appropriate responses.

Lastly, countries called to promote **international co-operation on access to justice** that supports national priorities and promotes innovation.

¹ High-level participants from: Argentina, Belgium, Canada, Colombia, France, Georgia, Ireland, Latvia, Luxembourg, Norway, Poland, Slovenia, Tunisia, Ukraine.

The Roundtable discussions aimed to facilitate countries' engagement as an integral part of the global series of events in 2019, including the Hague Access to Justice conference in February 2019, organised by the Task Force on Justice; the HiiL Justice Innovation Forum (5 - 6 February, 2019); the World Justice Forum (29 April – 2 May, 2019); and the Open Government Partnership Summit (29 – 31 May, 2019) in preparation for the United Nations' High-Level Political Forums (July and September 2019).

➤ **Towards people-centred justice ecosystem**

The Roundtable underlined that making equal access to justice a reality requires countries and institutions to move towards ensuring that all people and communities are provided with high-quality, appropriate, targeted, timely and cost-effective services. It also calls for a forward-looking and **compelling vision for a people-centred justice ecosystem**. This vision may also imply re-conceptualising mechanisms of dispute resolution from the perspective of people (i.e. parties to a conflict) and should build on two core points: 1) understanding people's needs and 2) developing and implementing policies and services that meet those needs and eliminate access barriers, while respecting country-specific contexts. It also calls for **holistic and comprehensive policies and service continuum** to unlock people-centred justice pathways: legal assistance and dispute resolution with a strong emphasis on a shift from litigation to legal empowerment, prevention and early intervention.

People-centricity also means **empowering people** to take part of the responsibility and solution for their own legal issues. Consequently, this implies developing a diverse, comprehensive and consistent framework of dispute resolution mechanisms. It calls for organising courts and other dispute resolution channels to put user needs first. This may require rethinking the institutions, rules and justice culture and looking at justice journeys from a perspective of actual or potential users. This framework should provide the right to access different channels of conflict resolution, in recognition of diverse needs, capabilities and interests. The change should be driven through the whole justice chain, justice institutions, and other service providers and levels of government to ensure it is coordinated across the continuum of channels.

Participants underlined that people-centred dispute resolution frameworks should also be **differentiated and comprehensive**. This means that people need to know the basic characteristics of the available mechanisms, the relationship between them and their options in case a dispute has a dimension beyond the borders. It also calls for **a coherence of all dispute resolution mechanisms** (including ADRs) as part of a legal service continuum and justice ecosystem. An example of a potential solution that can support this change can come from one-stop shop for dispute resolution that provides services at one central access point. It could potentially lower the entry barriers, help users to navigate the system and offer triage to guide users on right dispute resolution mechanisms. This approach is already put in place for other public services—for example, Portugal provides one-stop shop solutions for birth registry in hospitals, business registry and real estate. The UK explores this approach through building self-help strategies through more targeted face-to-face services, including communication, and strengthening one-stop shops.

People-centricity in the service provision and functioning of institutions is not a new concept. Participants stressed that a wealth of lessons can be learned from other sectors in order to develop similar strategies for people-centred justice. For example, the World Health Organisation (WHO) has developed a framework

on integrated people-centred health services to empower patients, fight system fragmentation, foster greater coordination and collaboration, and deliver services aligned with people's needs.

People-centricity also requires **proactive outreach to groups and communities** who usually do not consider accessing justice. Legal needs research suggests that a wide **range of barriers** (e.g. cost, complexity of legislation and procedures, time, geography, language) prevent them from entering the justice pathway. The Roundtable highlighted several country practices aimed at removing barriers. For example, the *Colombia's* Justice Strategy includes 19 concrete actions to improve its justice system, including community-based services to remote and rural areas of the country through justice houses. In *Georgia*, the Innovation Hubs of Public Services, including legal and justice, operate in major cities and communities providing services in a time-efficient and convenient manner. *Portugal*, the host of the event, emphasised its major Justice Action Plan collecting 175 measures that aim to bring new dynamics to the system as well as more transparency, humanity and proximity. Finally, *Ireland* has recently introduced new regulations concerning legal professions and new management systems of costs related to taking legal actions. Ireland is now looking at the civil justice system and possible reforms that can be integrated across all layers of the court system. One of the major considerations is a comprehensive family law reform, in terms of a delivery of family justice within and outside courts. Similarly, countries stressed that more attention is needed to people-centricity of the administrative and other types of justice (labour, family, etc.), which serves as an interface between citizens and the state. It plays a key role for citizens to claim their rights against public administration decisions and to better understand the importance of the justice system in their everyday lives.

➤ ***Courts as part of the justice ecosystem***

Courts can play an important role in people-centred justice ecosystem as the ultimate safeguards of the rule of law. As an integral element of the continuum of dispute resolution, they are an important element in the justice chains to meet the needs of people, solve disputes, and protect and enforce rights. In this context, the Roundtable showcased numerous initiatives to improve people's experiences with court systems (e.g., triage services) and to enhance the use of available legal resources (e.g., time of judges, including by bringing legal problems to the courts only if necessary). For example, *Poland* and *Georgia* have recently introduced automatic and electronic distribution of cases. Moreover, *Poland* is exploring the introduction of the institution of judges of peace who could rule over minor matters, constituting a significant percentage of cases. *Norway* is currently undertaking a review of its court organisation in order to ensure that courts are independent, relevant and efficient. *Ireland* has identified the efficiency of judicial reviews as one of its challenges, also in relation to reviews of administrative decisions on personal injuries. *Slovenia* presented the concept of holistic approach in addressing issues by courts, including through re-organisation; technological opportunities; legislation; and public perception/approach (e.g., a reform in online debt enforcement case management system, which has reportedly helped to reduce the process from six months to two days, with a particular benefit for SMEs).

Importantly, the Roundtable highlighted some innovative and integrated approaches that allow courts to get out to the community and rearrange the justice chain, adding to the people-centred ecosystem, including:

- *Red Hook Community Justice Centre* – This project aims to create a new way for the functioning of a court. The Centre is a community-based initiative designed to address local problems. It includes a stand-alone court (e.g. one judge hears adult criminal, juvenile delinquency and housing cases), legal clinic, victims services and onsite government services (i.e. public benefits healthcare). The Centre also offers neighbourhood peace-making programs (separate from the court). It is open to the whole community—clients are provided with assistance in specific cases but also with general advice.
- *Legal hand* – This initiative provides training to the community volunteers to address legal needs before they reach the court. It does not support on-going cases but provides for preventive and early advice approaches for those who face some legal problems related to family, housing, and benefits, among others.

Participants highlighted the importance of deepening understanding of innovative court practices to improve their responsiveness to the needs of people and reduce recidivism and revictimisation. Countries also noted the importance of clarifying relationships between ADR mechanisms and courts across different fields of law. An additional, and increasingly important, element of the court system landscape in OECD member and partner countries is a **specialisation of courts**. While it should be based on a clear cost-benefit analysis, specialisation is often found advantageous for greater efficiency, uniformity and quality court decisions. *Luxemburg* reported on the specialised court procedures in family justice, giving attention to all dimensions of those complex cases. For instance, the reform ensures there is a dedicated judge, which considers all elements of the divorce case, including child custody, alimony and division of assets. In *Canada*, a restorative justice approach has been introduced to the family law system in both criminal and civil contexts. In *New York City*, integrated domestic violence courts were designed to allow one judge to hear all cases related to the survivor of domestic violence. Participants also highlighted the importance of advancing evidence-based approaches to specialisation, including to ensure value-for-money, better people's experiences and higher quality of judicial decisions.

The effective positioning of the role of courts in the justice ecosystem requires a **collaboration between entities responsible for the court management and wider justice system**. For example, in Portugal, the Ministry of Justice signs an annual agreement with the Judicial Council to jointly set priorities, targets and milestones to be achieved.

Finally, *the Council of Europe's Commission on the Efficiency of Justice Systems* (CEPEJ) also pointed out the importance of the prevention of the excessive delays in administration of justice. CEPEJ supports countries in improving the efficiency of their judicial systems by providing guidelines, analytical tools and common indicators for judicial timeframes across the member states, such as: [Guidelines For Judicial Time Management Implementation](#) and [Guide Toward European Timeframes For Judicial Proceedings](#).

➤ ***Alternative dispute resolution mechanisms***

The Roundtable highlighted the importance of adopting a **holistic approach of a wide range of dispute resolution mechanisms** to meet people's needs, including alternative dispute resolution (ADR) mechanisms (e.g., Latvia, Georgia). Beyond litigation, there are ombud schemes, expert opinions, mediation, negotiation, and conciliation and arbitration, among others. For example, *Poland* has created a network of Arbitration and Mediation Centres as a comprehensive system of information management on mediation in economic matters by: integrating economic mediators, harmonizing the practice of mediation in economic matters, increasing the competence of entities providing mediation services in economic matters, and consequently improving the quality of mediation services. *Ireland* presented its employment and equality rights quasi-judicial system that was recently reformed and aggregated. The average time to process a case is now six months from the moment of making an online complaint. Moreover, Ireland has recently passed the Mediation Bill that requires solicitors to offer mediation to their clients.

The Roundtable highlighted the importance of advancing understanding of country approaches to incorporating ADRs as part of the holistic and people-centred justice ecosystem and to develop a range of safeguards, especially for protecting the vulnerable parties. Participants also highlighted the importance of identifying ways to ensure clarity about which mechanisms are appropriate for which types of disputes, and how to guarantee a choice of the appropriate mechanism depending on the dispute and the availability of a clear guidance on how to transfer from one dispute resolution mechanism to another.

People-centred measurement

The Roundtable highlighted that enabling people-centred justice pathways often starts with **gathering data on people's legal needs, experiences and challenges**. It requires integrating people-centricity into measurement approaches, including effective and systematic data collection processes, not only in courts, but also through other channels for resolving disputes, both on the types, costs, disposition time and complexity of cases, to facilitate effective triage and case management. Sound approaches to measuring quality of justice pathways and provided services was noted as an important gap area. This evidence-informed approach ensures that provision extends to the 'right' mix of services, to the 'right' clients, in the 'right' areas of law and in the 'right' locations and at the 'right' time.

Participants highlighted that **data** indeed can help to gain a comprehensive understanding of what people need and want when they seek justice, the obstacles they face, and the kind of justice they receive. Justice data can be generated by a wide range and interconnected services and communities, which calls for an integrated approach to understanding data needs and sources. For instance, participants noted the importance of developing approaches to analyse court data needs along with partners' data outside the courts, also where the significant part of people turn for the primary help. *Latvia* highlighted the use of data collected by institutions providing legal and justice services to anticipate, prevent or deliver information on justice issues in a comprehensive and targeted manner. The new OECD work stream on technology and data for access to justice was also called on to advance understanding on the use of non-legal data, which could help anticipating, preventing and better responding to legal needs. *Ireland* also stressed the importance of collecting data across the criminal justice pathway by adopting an individual's perspective (i.e. by looking at the whole experience of an individual entering the criminal justice sector).

In addition, participants stressed the importance of developing **measurement frameworks to help understand legal needs of different groups of people, quality of justice pathways and people centricity of justice systems**. In this context, to help countries measure people's legal needs and their experiences of the justice system, the OECD and the Open Society Justice Initiative have launched the [*Guide on Access to Justice and Legal Needs Surveys*](#). It seeks to assist planners, statisticians, policymakers and advocates to develop, administer and use legal needs surveys in more effective ways. This work contributes to the work of the *UN Praia City Group on Governance Statistics* and its handbook (planned to be released in March 2020) which will highlight data sources, core indicators and good practices for measuring progress on implementing SDGs, including those related to access to justice. On the other hand, it was acknowledged that a deeper understanding of ways to measure people-centricity of justice systems is needed to help guide systemic transformation.

Finally, the Roundtable discussed the current global challenge of identifying indicators that can meaningfully reflect the impact of access to justice interventions by improving countries' data-collecting capacity and inform project effectiveness as well as build stakeholder support and ownership. In this context, the Roundtable highlighted that a possible introduction of **a global indicator on access to civil justice** as part of the SDG monitoring framework can provide an important opportunity to focus country efforts on leaving no one behind.

➤ **Focus on vulnerable and marginalised populations**

Since 2015, OECD Roundtables show that people routinely experience legal problems related to family, health, debt, employment, housing, discrimination, violence, etc. Some groups face additional legal hardship, and indeed making access to justice a reality for all requires a special attention to those who are typically most exposed to legal problems and face particular difficulties in recognising and resolving them. This includes children and youth, people with disabilities, indigenous communities, women, and victims of violence and discrimination, among other groups. Importantly, the failure to resolve even a trivial legal matter can add to vulnerabilities and stigma, perpetuate a cycle of decline, deeply affecting other areas of everyday life (e.g. health, social welfare and economic well-being).

To effectively address vulnerabilities in justice systems, Roundtable participants stressed the need to deepen understanding of solutions, which should help build empowerment; prioritise proactivity, prevention and timeliness; and focus on substantive outcomes and fairness, in particular for vulnerable groups.

Affordability of justice remains a concern in most countries, both to vulnerable and middle-class groups. The Roundtable highlighted the importance of finding innovative approaches to providing legal aid and legal assistance services to meet different needs. For example, in *Norway*, the Ministry of Justice financially supports organisations that offer specialised legal and justice services to vulnerable groups. In *Poland*, the latest amendment to the legal aid law introduced the possibility of obtaining new services in existing legal aid points, i.e. free civic counselling and free mediation. *Ukraine* invested in legal aid centres to cover its wide territory, creating 500 new centres. In *Belgium*, the legal aid system offers the support of lawyers (e.g. exemption from fees and cost of the proceedings) as well as community-based solutions such as the

maisons de la justice in each district. In addition, a particular consideration has been given to the *middle class*, and people who benefit from the legal protection offers of private insurance companies are eligible to special tax deductions. Conversely, the *UK* emphasised other legal support services, including early intervention. Its Legal Support Action Plan focuses on early, more targeted and effective service delivery. For example, early advice pilot project will be implemented across the country.

It was stressed that **problem-solving approaches** have a strong potential to reduce vulnerabilities and can bring justice closer to people. For instance, in *Argentina*, Access to Justice Centres operate across the country targeting the most poor and marginalised communities. The services provided by centres aim to address everyday legal needs, with the programmes ranging from legal advice and information, individual and community legal empowerment activities, and community mediations to legal representations. They also provide co-ordinated and integrated services from different sectors to ensure people can access all needed forms of assistance at once.

In particular, Roundtable participants highlighted that **children and youth** tend to face particular difficulties in having their legal needs recognised and addressed. The limited orientation of the justice systems can place them outside of the effective protection of the law and make them particularly susceptible to revictimisation and subsequent abuse in the future. With this in mind, participants recognised that access to justice is a critical dimension for ensuring the respect of human rights of children and young people and minimalizing the negative impacts on their well-being, and that the justice systems must be adapted in order to make children to understand, trust, and feel confident to use the justice system in its broad sense.

Overall, with respect to children and youth, participants called to emphasise on five dimensions that are necessary for access to justice of minors.

- First, **children need to be informed about their rights**, especially with regard to ensuring their safeguard, as this is considered fundamental to preventing any risks in their lives, including violence. This implies making children feel that there are no barriers to accessing any institution that may provide a sense of fairness and justice to them.
- Second, **children need to be empowered**, confident and knowledgeable to participate in the administrative and judicial proceedings that affect their lives. It is important to make children understand the law (e.g. by using simple language) and the possible venues and solutions to their justice needs, the risks entailed, the consequences and the guidance in the process. It is also relevant to make children understand the roles and responsibilities of the actors and institutions that they engage, and who is best placed to support them at the right time. This encompasses an approach of providing legal information, legal aid and legal representation to children, with a view to enabling them to be heard in a genuine and effective manner. It should be provided to all children, with particular attention being given to those who even more vulnerable (e.g. children with disabilities, migrants, refugees).
- Third, it is important to develop a **child-friendly environment** guided by the best interests of the child. This entails understanding and identifying the needs of children across all possible

circumstances; to train those who participate in the decision-making; and to make the environment physically close and accessible to children (e.g. by guaranteeing justice to children living in remote rural areas, making justice accessible for children with disabilities, and preventing biased attitudes by those who provide answers or guidance to children).

- Fourth, it is important to create a **reliable, coordinated system for children protection** and prevent the risks of re-victimisation and fragmentation of services (e.g. by ensuring child-friendly methods of hearings, by developing ways to prevent children to repeat constantly the same story before different institutions, and by creating a safe and comfortable conditions for children to participate in the justice process).
- And fifth, to create a **transparent system ready to evaluate and to make public the results of a child-friendly justice system**. This involves knowing to what extent the system is effective and meaningful for the justice needs of children and young people. In this regard, engaging with young people in the evaluation is relevant, especially those that have been involved with the justice system, as well as to consider feedback and openness of the system to introduce the changes required.

In this context, the participants called to make a business case for access to justice for children and underlined the importance of identifying what works in developing child-friendly justice models to address the needs and vulnerabilities of children. For example, the *Icelandic Barnahus* model can bring together child-friendly services and various providers to provide children (as victims and witnesses of violence) with special and multidisciplinary assistance. It also helps to collect evidence to inform the justice system to address impunity and shape recovery and reintegration processes. *Slovenia* underlined the vulnerable position of children when coming into contact with the justice system, in particular the criminal one, and presented the recently launched Barnahus centre. *Ireland* also reported on its youth justice work focused on diverting children away for criminal justice system.

Victims of violence are also found particularly vulnerable when navigating the justice system due to the complexity of legal problems and sensitivity of associated issues. Legal problems often compound with health, housing, finance and employment problems and bring into play a number of legal aspects, such as: divorce, division of assets, protection orders, parental care and intersections with criminal justice. Participants stressed that it is an increasing area of need and urgency in relation to domestic violence rates and underlined the relevance of developing victim-centred approaches. Countries showcased a range of efforts (e.g., prevention and early-intervention initiatives, education programmes, integrated service delivery, and trainings for judges and other practitioners), in order to help victims and reduce re-victimisation rates, including psychological and cultural costs of violence. For example, *Ireland* recently passed the comprehensive and wide-ranging Act on Domestic Violence that regulates a better treatment of victims. Moreover, its Victims of Crime Act has guaranteed more rights to victims in criminal proceedings. *Slovenia* has put efforts to improve situation of victims of violence and enhance the proceedings. The structure and organisation of hearings for victims has been re-designed to diminish secondary victimisation focus proceedings on the needs of the victims and improve exchange of data and files in criminal cases

concerning violence among different stakeholders. The importance **of co-ordinated and integrated services** in assisting victims has been recognised. In *Poland*, the Justice Fund aims to support victims and their closest relatives, including through legal assistance, psychological counselling and financial support, as well as temporary accommodation, shelter, and education (e.g. individual classes for children). It offers to cover costs of nurse care, electricity, gas, water and rent. In *Ukraine*, there is a nation-wide **awareness-raising** campaign on domestic violence to educate people and offer help to victims. It promotes rights of victims who are entitled to assistance of special police officers and psychologists, and temporarily housing. In *Belgium*, **specialised services** are provided to victims of violence, including a special programme for victims of acts of terrorism that covers damages.

The Roundtable similarly recognised the need to improve the provision of legal and justice services to **people with disabilities**. While they may have a level of legal needs similar to people without disabilities, they face particular barriers in accessing justice and often require additional assistance and adjustments to meet legal needs. Barriers include inaccessibility (of legal information and physical spaces), stigma and discrimination, lack of appropriate services, unqualified justice system personnel and lack of critical support. To accommodate their needs and overcome the range of barriers, countries explored the elements of a disability-aware justice system, including: training, education and awareness programmes for justice personnel and other stakeholders, appropriate legal assistance services, and alternative accommodation options, among others. For example, in *Poland*, there is a strong focus on supporting services such as: remote participation arrangements or sign language interpretation. In *Ukraine*, there are online outreach and Skype consultations in place. *Norway*, with its Equality and Anti-discrimination Act, aims to ensure factual and physical access to justice, for instance by the organisation of the court system to cover all areas of the country. *Council of Europe* also called to improve the physical access to justice including accessibility of court premises.

Diversity also implies considering **indigenous communities** that often possess their own organisational and governance structures, value-systems and jurisdictions. Legal needs research in *Australia* presents indigenous people as those who face “multiple legal problems simultaneously” across different sectors (most relevant: crime, government, health and rights). Some of the reported barriers include distrust and limited awareness, lack of culturally appropriate services and competent staff, and language barriers. To address gaps in delivering access to justice for indigenous people, countries highlighted a number of important initiatives. For example, in *Canada*, indigenous communities are currently identified as a priority group, especially as they are overrepresented in the criminal justice system and tend to lack sufficient means to meaningfully participate in the civil justice system. The Government is putting efforts to work directly with indigenous groups to develop solutions that consider indigenous rights, legal traditions and customs. The initiative aims to give indigenous communities a greater responsibility in administering their local justice systems. It is supported by research and educational activities on indigenous legal traditions to ensure that they are well integrated and considered within the national justice system.

In *Colombia*, where there is around 102 indigenous communities, the government has considered devolving the responsibility for their own justice systems and the conduct of justice to indigenous communities. There are implementation challenges, however, which include understanding 1) current legal dynamics within indigenous communities, 2) the extent to which services are culturally appropriate, and 3) the limits of

indigenous laws in cases of conflict with national laws (e.g. underage marriage). Participants agreed that the inclusion of indigenous communities in the ongoing international discussions is necessary to identify what effectively works, what is cost-effective, and what can be culturally appropriate to find solutions to issues of parallel justice systems.

The inability to obtain legal and justice services has an uneven impact on such disadvantaged groups, mostly due to their lack of economic resources. In Ukraine, there is a particular vulnerable group of **internally displaced persons**. Outreach is significantly straitened with no access to public services or communication and media channels. Many efforts are being put in place to use alternative contact lines and distribute as much information as possible.

➤ **Closing gender gaps in accessing justice**

While decades of progress towards equality of women before the law helped to remove many discriminatory legal provisions, equality in opportunity and in accessing justice is far from a reality. There are significant gender gaps between the promise of access to justice and the realities faced by women in their communities, workplace or homes. Women, who suffer from structural discrimination and lack of empowerment, face barriers in all countries, even those with strong legal systems and frameworks. The compounding barriers include, but are not limited to, legal and social discrimination, poverty, disabilities, geographical location, ethnicity or migrant backgrounds.

The inability to access justice has significant costs for women, their families and societies at large. For example, Hina Jilani, from the Elders, stressed that the estimated costs of violence against women is between 1 – 4% of GDP. In the US alone, the cost of intimate partner violence exceeds 8.3 billion USD per year. She called to improve the position of women by increasing financing for and investment in access to justice, introducing innovative approaches and strengthening the informal justice system.

In this context, the participants underlined the **importance of gender-sensitive approaches and strategies** to enhance access to justice for women, especially victims of violence. For example, *Canada* is undertaking reforms with a new and larger definition of family violence, including different sorts of conduct behaviour against women that go beyond the criminal sphere. It has also developed a legal framework with different protective orders that courts must take into account in the case of dangerous situations (e.g. partner violence), as well as other considerations such as the precariousness of some social sectors, in particular indigenous populations. *Argentina* has in turn developed a specific program of legal aid and trainings for lawyers that measures and helps to fight against domestic violence. *Belgium* is also promoting legal and social protection by developing policies that do not only include courts but also comprises social networks. The *United Nations* has similarly highlighted the necessity of addressing gender-based violence from childhood onwards. Raising awareness about gender-based violence implies involving boys and constructing a narrative from a very early age. There is also the need to develop a holistic view on gender justice, not only limiting this dimension within courts, but also in terms of prevention. Finally, participants stressed that overcoming these barriers requires efforts to build economic empowerment and strengthen political participation, as highlighted in the report of the High-level Group on Justice for Women.

➤ **Enhancing access to justice for SMEs**

Access to justice for **micro, small and medium enterprises (SMEs)** is a key element to support economic growth. In fact, across OECD countries, SMEs provide 60% of the total employment, make up, on average, between 50% and 60% of the national GDPs, and account for 70% to 95% of all firms. In this context, the inability for SMEs to solve legal issues can have a negative impact on their business and the economic environment in general. For instance, financial costs can lead to a loss of income, social costs can damage employee relations, reputational costs may carry out damaged business relationships, and, in the worst of cases, SMEs can even cease trading. To improve access to administrative justice for SMEs, *Tunisia*, with the support of the OECD, is focusing on simplifying certain procedures, applications and other administrative justice proceedings. The initiative also aims to create a business-friendly environment and help young entrepreneurs to start companies in a timely and simple manner.

Access to Justice for business is also one of the priorities of *Latvia*. They are currently implementing the OECD recommendations to improve the justice system for SMEs operating in the country. *Portugal* also introduced several business-friendly solutions, such as: one-stop business registry (also available online through the e-gov platform), elimination of mandatory notary deeds and territorial jurisdiction for registries. In general, the discussions stressed the need for continued identification of **good practices and measurement approaches to facilitate access to justice for business**, including through the use of technologies.

➤ **Access to Justice and Technology**

Digital technologies have rapidly become part of the everyday life with a direct impact in all sectors, including the justice systems. It is increasingly recognised that digitalisation and innovation are becoming the main drivers of change in the functioning of justice institutions and service-delivery models. The use of technology can range from the digitalisation of courts along with public registries and other state services, the provision of legal and justice services online, and the adoption of data strategies; to the use of artificial intelligence, blockchain and smart contracts solutions across the whole justice chain. The emerging technologies have a strong potential to enhance access to justice by creating new avenues and closing gender gaps to advance integrated, inclusive and people-centred ecosystems. The Roundtable explored the future solutions in service delivery and provided for the digital vision for the justice sector.

First, technology can help to actively **lower and overcome the range of access barriers** (e.g. cost-related, structure-related, social barriers etc.). A number of countries offer online tools (e.g. one-stop entry portals, automated forms) that provide their citizens with information and services throughout the whole justice process. For example, the *UK* developed a system that allows social security users to submit and track their appeals online with additional text and email alerts. In addition, the Land Registry in *Portugal* offers useful features - following the electronic registration, citizens and relevant entities can review and obtain the most updated information online. *Latvia* is currently developing a system of online legal advice for seven types of common legal problems available on the portal of the Court Administration. Another solution is to

take advantage of mobile phones - in *Colombia*, a legal application is widely used, receiving nine-million visits in four years.

Second, enhanced use of digital and online strategies can create **new opportunities to resolve legal problems**, such as online dispute resolution mechanisms. The core of this change is to provide the earliest possible assistance in easily accessible formats where physical presence becomes less relevant. In this context, Roundtable participants noted that in the future, courts could shift them to the online services sphere as opposed to a physical place or institution. The growing number of internet users can help to determine modalities of court services and improve user experiences. This shift should be guided by a clear digital justice transformation strategy to ensure inter-operability of IT systems, including those for ADRs (Box 2).

Box 2. Examples of selected initiatives on digital justice

The *United Kingdom* highlighted its experience on digitalisation of existing court processes. Clients are asked to set up an account and provide information online to facilitate a preliminary review and case triage. It allows court to review the case materials and decide to proceed without a hearing or to provide a short and simple online questionnaire to obtain additional information. Clients are given the option of either accepting the decision or having a hearing. This model is currently being developed and will be evaluated to determine if such solutions add to institutional efficiencies and to closing justice gaps.

The *Online Civil Resolution Tribunal in British Columbia, Canada* hears small claims, and more recently scaled up its jurisdiction to higher threshold cases, motor vehicle accidents, and some personal injury cases up to fifty thousand dollars. It offers a staged process, as follows:

1. *Free legal information* – The system provides a legal diagnosis of a dispute and proposes possible actions to take, e.g. letter templates to send to a second party.
2. *Application for dispute resolution* – Upon the explanation of a dispute, the system generates automatically forms to fill out, relevant for the specific case.
3. *Dispute resolution platform* – The system offers a secure and confidential platform to negotiate with a second party and try to resolve a dispute. It also includes a feature of a facilitator to mediate a solution or in the last resort - a member of the tribunal to adjudicate.

At the *European Union* level, the Online Dispute Resolution allows consumers and traders in the EU as well as Norway, Iceland, and Liechtenstein to resolve disputes relating to online purchases of goods and services without going to court. Another example of online dispute resolution comes from *Singapore*. The multi-agency project on integrated criminal case management and filling system brings together various justice agencies and enables electronic access to all stakeholders. It provides integrated e-filing, e-workflow and e-court hearing system that facilitate end-to-end electronic management of a case life cycle. It also allows litigants to track the case and see how it is progressing through the whole justice system chain. This system also generates a solid structured data which is imported and stored by the Sentencing Information and Research Repository and provides information on sentencing data for the purpose of retrieval, display, and analysis. Moreover, the Singapore's Community Justice and Tribunal System provides for a complex online dispute resolution under: Small Claims Tribunals, Community Disputes Resolution Tribunals and Employment Claims Tribunals². It offers a wide range of e-services throughout the whole justice process, starting with e-Assessment and e-Filing, with e-Negotiations and e-Mediations, to e-Casefile, e-Payment and e-Notifications.

The comprehensive public-sector digital transformation aims to **speed up, simplify and reduce costs** of processes for both users and service providers. The justice sector reforms aim to improve the experience of users in navigating through the justice

² <https://www.statecourts.gov.sg/CJTS/#!/index1>.

pathway. Digitalisation of services allows parties to easily connect to the system, upload documentation, and download required files and access information. In this context, *Tunisia* currently works to establish an IT platform in the framework of cooperation with the European Union, to ensure digital transactions with the administration, to provide remote and effective access to administrative justice access by 2021. To guide litigants, *the State Courts of Singapore* offers the online assessment tool for small claims. It provides clients with a preliminary assessment of whether a dispute falls under the jurisdiction of the Small Claims Tribunal, guide on the evidence and procedure to proceed with a claim, and facilitate the completion of a claim form. This tool is available on computers and mobile devices and takes about 10 minutes to complete.

In *Portugal*, multiple reforms in the past two decades have sought to make the judiciary more transparent, accessible and effective. The most recent initiatives (i.e. Simplex+; Justica+ Proxima; Tribunal+) present an integrated approach to administrative simplification, improved services and digital strategies, and aim to create more citizen-centred justice sector. Justica + Próxima focuses on simplification and dematerialisation of procedures, use of modern technologies, and improving clarity, transparency and quality of information on laws and procedures. This initiative is combined with a cross-governmental modernisation plan, Simplex+, that aim to ensure the simplification of administrative and legislative processes in order to facilitate citizens' and businesses' interaction with the public administration through dematerialization of data and support and introduction of e-channels between courts, other justice institutions and other entities such as: social security, health, education and security sectors. The justice reforms in Portugal also encompasses a flagship project Tribunal+ that aims to drive court transformation, leveraging on technology and rationalisation at the front and back ends.

New technologies could help to **process sets of data, discover new patterns for data analysis** and potentially anticipate and prevent legal problems and put early mechanisms in place. The service design could be indeed informed by a variety of data. For example, in the *UK*, online services take advantage of surveys on populations' digital capabilities or geographical mapping based on user's postal codes. The UK released a digital product to improve the functioning of the tribunal focusing on the user research. It is based on the evidence to inform the service design and gains from the qualitative research on actual and potential users of services and their experiences. This exercise helps to identify needs as for example, where they are in the process and what is going to happen next to avoid confusions, track an appeal, update on the process. The trial version has collected insights and feedback and will inform further design choices. In *Latvia*, the Court Administration applied the business intelligence tools to analyse statistical data of the judiciary in order to obtain information related to the caseload, costs of the hearings and proceedings and estimate the costs for the future. It serves as a centralised database that stores information of different registries and agencies.

The most recent trends explore the enhanced **applications of artificial intelligence (AI)** in access to justice. It is based on algorithms trained in facts and decisions taken in the past. The potential use of the AI could include supporting effective legal advice to litigants by analysing law and jurisprudence; analysing documents and justice frameworks; and identifying relevant factors, which could drive the results of justice. Building on already existing elements of digital justice, there is an opportunity to invest in AI automation devices that can be incorporated into decision-making processes. For example, the court system in Singapore introduced AI solutions for transcription services. The AI tool applies language modelling and natural language processing to provide a transcript. It is trained to process legal and domain-specific terminology such as medical or technical terms. This system is so far reporting an accuracy level of 90-92% and achieving significant cost reductions.

Yet, this transformative change should be supported by **clear guidelines and safeguards**, it is crucial to incrementally and experimentally develop policies, products and services; ensure decisions are data-driven; focus new services on solving and servicing people's needs; test new ideas, methods and solutions; and build support by improved narratives. In this context, CEPEJ has developed the [European Ethical Charter on the use of artificial intelligence](#) in judicial systems that provides a framework and principles for policy makers, legislators and justice professionals in addressing the rapid development of AI in national judicial processes.

In addition, technology can provide new opportunities and avenues for **dispute resolution**. It supports users in making right choices on a justice pathway to effectively manage a dispute. The improvement of a triage is based on services provided by both public and private institutions and the relation between them in dispute resolution. It could include a division of pre-dispute activities and substantive dispute resolution or shifting some functions between them. Notably, there is an increasing number of disputes that were resolved in private institutions. For instance, online shopping platform eBay is processing annually 20 times more cases than the whole judiciary in Austria. This emerging trend raises up questions about the future shape of dispute resolution landscape where private bodies and algorithms may be firmly placed.

From a wider perspective, enhanced use of technology could potentially **strengthen participation**. Indeed the justice system should be designed for citizens, but also transformed with them. It can increase access to justice through greater accessibility and clarity of laws, as well as the Open Justice elements, such as transparency and certainty of available justice pathways.

The technological transformation also faces **risks in relation to their potential use**. The Roundtable marked that despite evident benefits of the digital solutions, a fast change could leave certain groups behind and reinforce barriers in accessing justice. The UK's research indeed showed that a significant part of its adult population needs assistance to use online services. The enhanced use of technology and online solutions also requires specific measures to respect individual rights and to ensure the protection of personal data. Specific considerations were given to the risks associated with the use of AI and blockchain technologies. It discussed the challenges regarding the administration of justice, human factors in justice decision-making, and the need for solid regulation.

To further deepen the government's understanding of the benefits and risks of technology, including data, in closing justice gaps and at the initiative of the Government of Latvia, the Roundtable launched **a new stream of work on Digital transformation for Access to Justice**. This work stream will focus on developing a policy framework for the use of digital technologies in the justice sector with the view of using digital solutions to make justice systems and public services more people-oriented, approachable and reliable.

➤ **Investing in justice sector and innovative financing**

[The OECD White Paper on Building the Business Case for Access to Justice](#) underlined that effective access to justice requires an adequate investment across a wide range of public institutions to increase the commitments for access to justice. It showed that there is a high cost of unmet legal needs and a strong case for investment in targeted interventions – first and foremost empowerment actions and adapted

support to those who are least capable of vindicating their rights. The Roundtable's participants highlighted the need to deepen the business case for access to justice, including through measuring costs of lack of access (e.g., using national surveys in both OECD member and partner countries), understanding the return on investment of different initiatives in this area, and building indicators of access to justice.

The Roundtable also called for innovative financing and reinvestment strategies for different access to justice solutions, including social impact investment; pay-by-results; public-private partnerships; and justice reinvestment strategies. For example, *Ireland* mentioned that the shift towards people-centred justice systems has unlocked additional resources for the use of IT systems and overall implementation of justice reforms in the country. The *UK* is establishing the Innovation Fund that make grants available for innovative legal support solutions. In the light of upcoming legislative elections in *Belgium*, all candidates has committed to raise expenditures in the justice sector up to one billion EUR within a five-year period. *Slovenia* stressed that data-driven approaches (data, performance dashboards etc.) could help to produce essential data and evidence for increased investment in the justice sector. In *Luxembourg*, statistics on the justice system have been crucial to helping improve its efficiency. The collected evidence is directly linked to public spending – identified gaps showed the need to increase a number of justice officers and judges by 30%.

➤ **Strengthening partnerships**

Collaborative government and civil society efforts in OECD member and partner countries are strengthening legal empowerment and equal and people-centred access to justice. Collective national and international action is also necessary in investing in access to justice to foster inclusive growth and implement the 2030 Agenda for Sustainable Development. The Agenda requires a strengthening and revitalisation of partnerships. The Global Justice report calls on all partners to work together in meeting the commitments:

- *“Governments should develop strategies, allocate resources, and the partnerships needed to deliver justice for all.*
- *Justice professionals should work closely with governments in leading a shift towards people-centered justice.*
- *Other sectors must play an increased role in the delivery of justice.*
- *Civil society can do more to empower justice seekers and help reach the furthest behind first, if given space to operate.*
- *The private sector can help develop new ways of meeting people's justice needs at low cost.*
- *International and regional organizations should provide more coherent support and increased financing for implementation of the SDG targets for justice.*
- *Foundations and philanthropists should support people-centered approaches and priorities such as the role of justice in prevention.”*

A growing number of countries stress the need to engage with its citizens in transforming justice systems. Civil society organisations have been recognised as one of key partners in implementing SDGs, maintaining a people-centred approach, and securing human rights, the rule of law and democracy. In Georgia, civil

society and academia have been invited to the High Council of Justice to ensure representation of various stakeholders and participation. In Canada, the judicial appointments system has been reformed to create more a diverse bench that better reflects the Canada's society. Argentina develops relationships with and works closely with civil society and other state and private stakeholders in the process of the implementation of SDG 16. In Singapore, the Community Justice Centre represents an example of a broad, public-private justice network. It is a collaboration initiative between State Courts, Ministry of Law, Ministry of Social and Family Development, Tan Chin Tuan Foundation and Law Society operating as a non-profit organisation. The Centre located in the court provides legal assistance and social assistance. It is reported to support the efforts in obtaining additional funding for justice initiatives.

There was also a clear call to strengthen international cooperation. Ireland has reported on work across professions to deliver a better channel of movements of work into the Dublin courts and from international partners. Slovenia aims to promote the rule of law and set it as the main theme of its EU Council Presidency in 2021. Council of Europe called to collaborative actions to foster access to justice in OECD and Council of Europe member countries, but also reach out to other countries and make use of existing tools and practice.